

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ROOFERS' PENSION FUND, *on behalf  
of itself and all others similarly situated,*

Plaintiff,

v.

JOSEPH C. PAPA, *et al.,*

Defendants.

Civil Action No.

16-2805 (MCA) (LDW)

**ORDER**

CARMIGNAC GESTION, S.A.,

Plaintiff,

v.

PERRIGO COMPANY PLC, *et al.,*

Defendants.

Civil Action No.

17-10467 (MCA) (LDW)

MASON CAPITAL L.P. *et al.,*

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.,*

Defendants.

Civil Action No.

18-1119 (MCA) (LDW)

PENTWATER EQUITY  
OPPORTUNITIES MASTER FUND  
LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-1121 (MCA) (LDW)

HAREL INSURANCE COMPANY,  
LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-2074 (MCA) (LDW)

FIRST MANHATTAN CO.,

Plaintiff,

v.

JOSEPH C. PAPA, *et al.*,

Defendants.

Civil Action No.

18-2291 (MCA) (LDW)

TIAA-CREF INVESTMENT  
MANAGEMENT, LLC, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-8175 (MCA) (LDW)

NATIONWIDE MUTUAL FUNDS, on  
behalf of its series NATIONWIDE  
GENEVA MID CAP GROWTH FUND  
and NATIONWIDE S&P 500 INDEX  
FUND, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-15382 (MCA) (LDW)

WCM ALTERNATIVES: EVENT-  
DRIVEN FUND, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-16204 (MCA) (LDW)

HUDSON BAY MASTER FUND LTD.,  
*et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

18-16206 (MCA) (LDW)

SCHWAB CAPITAL TRUST on behalf  
of its series SCHWAB S&P 500 INDEX  
FUND, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-3973 (MCA) (LDW)

SCULPTOR MASTER FUND, LTD.  
f/k/a OZ MASTER FUND, LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-4900 (MCA) (LDW)

ABERDEEN CANADA FUNDS –  
GLOBAL EQUITY FUND, a series of  
ABERDEEN CANADA FUNDS, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-6560 (MCA) (LDW)

DISCOVERY GLOBAL CITIZENS  
MASTER FUND, LTD., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-21502 (MCA) (LDW)

YORK CAPITAL MANAGEMENT,  
L.P., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

19-21732 (MCA) (LDW)

BURLINGTON LOAN  
MANAGEMENT DAC,

Plaintiff,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

20-1484 (MCA) (LDW)

UNIVERSITIES SUPERANNUATION  
SCHEME LTD.,

Plaintiff,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

20-2262 (MCA) (LDW)

PRINCIPAL FUNDS, INC., *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

20-2410 (MCA) (LDW)

KUWAIT INVESTMENT  
AUTHORITY, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

20-3431 (MCA) (LDW)

BLACKROCK GLOBAL  
ALLOCATION FUND, *et al.*,

Plaintiffs,

v.

PERRIGO COMPANY PLC, *et al.*,

Defendants.

Civil Action No.

20-4748 (MCA) (LDW)

**THIS MATTER** having come before the Court by way of the August 31, 2020 application of intervenor the United States to further extend the limited stay of discovery in the above-captioned *Roofers' Pension* Class Action and the 19 related Individual Actions. (Civ. A. No. 16-2805, ECF No. 300); and

**WHEREAS** with the consent of all parties, the Court entered an Order dated October 16, 2019 imposing a limited stay of discovery relating to the pricing, sale, and marketing of generic pharmaceuticals in the United States by defendant Perrigo Company plc. (Civ. A No. 16-2805, ECF No. 220); and

**WHEREAS** by Orders filed December 12, 2019, April 9, 2020, and July 14, 2020, the Court extended the limited stay of discovery at the United States' request, and over the objections of Lead Plaintiff in the *Roofers' Pension* Class Action, through August 31, 2020 in light of the

Government's ongoing criminal investigation into anticompetitive practices in the generic pharmaceuticals industry. (Civ. A. No. 16-2805, ECF Nos. 242, 270, 296); and

**WHEREAS** by letter dated August 31, 2020, the Government requests a fourth extension of the limited discovery stay through October 30, 2020 relating to the depositions of seven individuals. (Civ. A. No. 16-2805, ECF Nos. 298, 300); and

**WHEREAS** Lead Plaintiff in the *Roofers' Pension* Class Action opposes any further stay of discovery, and defendants and the Individual Action plaintiffs take no position. (Civ. A. No. 16-2805, ECF Nos. 300, 301); and

**WHEREAS** the Court has reviewed *in camera* the August 31, 2020 *Ex Parte* Declaration of Ryan Danks in support of the application for a further stay; and

**WHEREAS** the Court has considered the factors *Walsh Securities, Inc. v. Cristo Property Management, Ltd.*, 7 F. Supp. 2d 523, 527 (D.N.J. June 9, 1998); and

**WHEREAS** the Court notes that the limited discovery stay has been in place for approximately one year, but none of the deponents subject to the stay, or Perrigo itself, have been charged with criminal conduct; and

**WHEREAS** the Court recognizes that the Hon. Cynthia M. Rufe, U.S.D.J. has extended the limited discovery stay through November 30, 2020 in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, related multidistrict litigation proceedings in the Eastern District of Pennsylvania. (Civ. A. No. 16-MD-2724, Pretrial Order No. 136); and

**WHEREAS** for substantially the same reasons as set forth in the Court's Orders dated December 12, 2019 and April 9, 2020;

**IT IS** on this day, September 29, 2020, **ORDERED** that:



1. The Government's application to further extend the stay of seven depositions relating to the pricing, sale, and marketing of generic pharmaceuticals in the United States by defendant Perrigo in light of an ongoing criminal investigation into anticompetitive practices in the generic pharmaceuticals industry is **GRANTED**. All terms of the Court's October 16, 2019 Order shall remain in effect until **October 30, 2020**. However, the Court has afforded the Government more than one year to pursue its criminal investigation, is cognizant of the prejudice the Class Action plaintiffs face if forced to forego these seven depositions in order to pursue their claims, and is not amenable to what increasingly appears to be an indefinite stay of discovery in these civil actions. Therefore, the Government is hereby put on notice that, absent developments that significantly alter the analysis under the *Walsh* factors, this will be the **FINAL** extension of the limited discovery stay the Court will entertain.
2. The telephone conference set for **October 15, 2020 at 2:00 p.m.** shall proceed as scheduled. The parties shall submit concise status letters to the Court no later than **October 9, 2020 at 5:00 p.m.** Defense counsel is directed to send a list of all attorneys appearing on the call to LDW\_orders@njd.uscourts.gov at least 10 minutes prior to the conference. At the allotted time, counsel are to dial (888) 684-8852, access code 3872545.

s/ Leda Dunn Wettre  
Hon. Leda Dunn Wettre  
United States Magistrate Judge